THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No. 19429 of 2006

Dated: 20-08-2007

Between:-

Pilla Papa Rao

..Petitioner

And

The Government of Andhra Pradesh rep., by its Secretary, Home Department, Secretariat, Hyderabad and three others.

..Respondents.

THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No. 19429 of 2006

:O R D E R:

The petitioner seeks a writ of Mandamus to declare the action of the respondents in opening a rowdy sheet and continuing the same against him as illegal and arbitrary and against Articles 19 and 21 of the Constitution of India and also against the provisions of the A.P. Police Standing Orders.

It is stated that with regard to the civil disputes pending in the civil Court between him and some third parties, on false complaints filed against him, seven criminal cases have been registered and rowdy sheet has been opened. It is stated that pendency of the criminal cases will not constitute a ground to open the rowdy sheet, as it cannot be said that the petitioner is a habitual

offender.

Counter has been filed stating that the petitioner involved in offences relating to crime Nos. 13 and 241 of 2004; 377, 387, 390 and 179 of 2005 and 19 of 2006 and therefore a rowdy sheet was opened against him on the file of Bheemunipatnam police station, Vishakapatnam, on 16-08-2006, which is being continued from time to time. It is stated that as per the Police Standing Orders 601 of A.P. Police Manual Part-I Volume-2, rowdy sheet was opened against the petitioner and charge sheet was already filed in Cr.Nos. 13 of 2005 and 290 of 2005 while investigation is pending in other crime numbers. Thus, all the said cases are pending and therefore the rowdy sheet was opened and continued.

Under Police Stating Order 601, a person who habitually committed, attempt to commit or abetted the commission of offence involving breach of peace, disturbance to public order and security a rowdy sheet can be opened. Therefore, pendency of more than two cases also constitute a ground to open rowdy sheet against the petitioner under clause (A) of Order 601. Once rowdy sheet is opened under Order 602, the same can be continued from time to time. Therefore, I am of the opinion that it cannot be said that the pendency of more than two cases cannot constitute a ground to open the rowdy sheet. Abetment of commission or attempt to commit an offence also constitute a ground to open the

rowdy sheet and to call him that he is a habitual offender attempted to commit an offence. In view of the above circumstances, I am of the opinion that the rowdy sheet is correctly opened and continued. The writ petition is devoid of merits. It is accordingly dismissed. No costs.

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V. ESWARAIAH, J

Dated: 20-08-2007.
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